

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Environmental Health Trust,	)	
Petitioners for Safe Cell Phones,	)	
Elizabeth Barris, and Theodora Scarato,	)	No. 20-1025
Petitioners	)	
	)	
v.	)	On Petition for Review of an Order of
	)	the Federal Communications
Federal Communications Commission	)	Commission
and United States of America	)	

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Children’s Health Defense,	)	
Michele Hertz, Petra Brokken,	)	
Dr. David O. Carpenter, Dr. Paul Dart,	)	No. 20-1138
Dr. Toril H. Jelter, Dr. Ann Lee,	)	(Consolidated)
Virginia Farver, Jennifer Baran,	)	
Paul Stanley, M.Ed.	)	
Petitioners	)	On Petition for Review of an Order of
	)	the Federal Communications
v.	)	Commission
	)	
Federal Communications Commission	)	
and United States of America	)	

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**PETITIONERS’ JOINT MOTION WITH RESPONDENTS’ CONSENT TO  
AMEND SCHEDULE**

All Petitioners in the above-captioned cases jointly submit this motion to amend schedule in Case Nos. 20-1025 and 20-1138. Respondents United States of America and the Federal Communications Commission (collectively “FCC”) consent.

These consolidated cases involve petitions for review of the Federal Communications Commission's ("FCC") Resolution of Notice of Inquiry, Second Report and Order, and the Memorandum Opinion and Order, *In the Matter of Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies; Targeted Changes to the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, FCC 19-126, ET Docket Nos. 03-137 and 13-84, 34 FCC Rcd 11687 (rel. Dec. 4, 2019), published 85 Fed. Reg. 18,131 (Apr. 1, 2020).

Pursuant to the amended briefing schedule issued by the Court in these matters on October 15, 2020 (Doc# 1866536), the deferred appendix is due on October 26, 2020 and the Final Briefs are due on November 9, 2020.

The Petitioners have been diligently preparing the deferred appendix, but they have suffered a last-minute file/data issue in the appendix data file and some of the source files. The problem is so significant that it will not be possible to submit the deferred appendix on the current due date. An extension is necessary so Petitioners can reconstruct some of the source data and then reassemble the file that comprises the appendix. The appendix in this matter will contain a several hundred items from the agency record and the reconstruction/reassembly process will take a week to complete.

Counsels for Petitioners conferred with Respondent FCC counsel. FCC counsel has indicated the Commission and the United States do not oppose an extension.

In full, the proposed amended schedule would be:

- Deferred Appendix: November 4, 2020
- Final Briefs: November 11, 2020

Accordingly, for the reasons discussed above, all Petitioners respectfully request, with the consent of the Respondents, that this Court amend the schedule in this case in the manner described above.

Respectfully Submitted

/s/ Edward B. Myers

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October 26, 2020

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing Motion to Amend Schedule complies with the formatting and type-volume restrictions of the rules of the U.S. Court of Appeals for the District of Columbia Circuit. The motion was prepared in 14-point, double spaced, Times New Roman font, using the current version of Microsoft Word, in accordance with Fed. R. App. P. 32(a)(5) and Fed. R. App. P. 32(a)(6). The motion contains 329 words and therefore complies with Fed. R. App. P. 27(d)(2)(A).

/s/ W. Scott McCollough

**CERTIFICATE OF SERVICE**

I hereby certify that on October 26, 2020, I electronically filed the forgoing document with the Court by using the CM/ECF system. All parties to the case have been served through the CM/ECF system.

/s/ W. Scott McCollough